

7:08 p.m. meeting opened. The Hall, 2<sup>nd</sup> Floor, Memorial Hall Library, Elm Square.

Present were: Jeton (Chair), Batchelder (Clerk), Brown, Baime, Ranalli, Bevacqua (3744 only)

Petition No: 3744

Petitioner: Andover Public School

Premises Affected: 80 Shawsheen Rd

Present were: Jeton, Batchelder, Brown, Bevacqua

Joe Piantedosi, Town of Andover Plant & Facilities Director, reviewed the ‘final’ sign design: granite posts, 7’ high sign with external lighting. Ann Constantine, DRB Chair, spoke in support of the final design. The ground lighting will be shielded to minimize overspill. DRB will be involved in selection of lights. Batchelder suggested ‘preventing’ light overspill in accordance with Section 5.3.5. It will be illuminated using timers only when the building is occupied, with 11 p.m. as the target time. Batchelder made a motion to close the public hearing. Brown seconded the motion & the Board voted (4-0) to close the hearing. The Board then deliberated. Bevacqua stated no objection to the final sign. Batchelder agreed. Brown made a motion to grant variances as requested from Sections 5.2.4, 5.2.7 \* 4.1.3.2.g to allow the AHS sign as shown on the plans submitted. Bevacqua seconded the motion & the Board voted (4-0) to grant the variances. Jeton will write the decision.

Petition No: 3804

Petitioner: Mulvaney

Premises Affected: 15 Locke St

Present were: Jeton, Baime, Batchelder, Brown

Andrew A. Caffrey, Jr., Esq. Represented the petitioner’s request for a variance to construct additions & alterations to a prior non-conforming structure which is not grandfathered under the statute. Decision No. 499 allowed the subdivision of a lot, creating a lot with insufficient area by variance. At the time, the structure was intended to meet setbacks, but a more recent survey revealed that it does not. He reminded the Board that in July they requested a special permit, which was denied. They are requesting a variance for an addition that will be 14’ from the side lot line. He also asked for reconsideration of the earlier special permit application. There are no changes from the July application. Brown asked if they are requesting a variance for the continued existence of the house that is violating the setback & to build an addition. Caffrey stated that they are requesting a variance for those reasons and noted that surveying was not as concise back then as it is now. Batchelder made a motion to close the public hearing. Brown seconded the motion & the Board voted (4-0) to close the hearing. The Board then proceeded to deliberate. Batchelder supports the grant of a variance. Baime & Brown agreed. Batchelder commented that the hardship is obvious. Brown made a motion to grant a variance from section 4.1.2 for the continued existence of the house & to allow the additions. Batchelder seconded the motion & the Board voted (4-0) to grant the variance. Brown will write the decision.

Petition No: 3801

Petitioner: Butler

Premises Affected: 8 Fosters Pond Rd

Present were: Baime, Batchelder, Jeton, Ranalli

Paul Ross represented the petitioner's request for a variance from dimensional requirements for lot size, frontage & side setback to construct a new house previously approved on February 9, 2006 & May 17, 2007 with the addition of a deck & sunroom, both of which conform. Due the market, it was not built. The lot has 180' frontage on Fosters Pond Rd, but the right side setback would be 16' instead of the 30' required in SRC. The home was constructed in 1927, but it is uncertain when the lot was created. They have spoken with their neighbors, none of whom voiced opposition, some of whom were present in support. They have been before Conservation Commission & will have a site visit with them. Batchelder made a motion to close the hearing. Baime seconded the motion & the Board voted (4-0) to close the hearing. The Board waived a site view and proceeded to deliberate. Batchelder noted that the sunroom & deck comply with setbacks. Ranalli noted consistency with the previous decision. Baime agreed. Batchelder made a motion to grant a variance as requested. Ranalli seconded the motion & the Board voted (4-0) to grant a variance. Batchelder will write the decision.

Petition No: 3802

Petitioner: Norton

Premises Affected: 201 North Main St

Present were: Jeton, Baime, Batchelder, Ranalli, Brown

Walter Norton, Jr. represented himself in his request to replace the faces of an existing, internally illuminated, off-premise, freestanding sign that does not conform to the by law in height, area & illumination. He recently opened a small athlete training business in a location that has low visibility from the street, making it difficult for his clients to find the business. He proposes to decrease the size of the sign, while not decreasing its visibility. Replacing the entire sign structure would be costly. The current proposal includes a message board. Mark Dittami, of Sign-a-rama, Salisbury, MA was also present on behalf of Mr. Norton. Design Review Board (DRB) has approved the sign, but not its size. Hours of operation would be approximately 5 a.m. – 8:30 p.m. The proposed sign would be 4'x8' on the top section & 4'x6' on the bottom. The elevation to the top of the sign would be 16'. Ann Constantine, DRB Chair, submitted a memo via e mail today summarizing their recommendation of a 12' high, single board sign (no message board) with external illumination. Regina Ramsey, 6 Harding St., voiced her discontent with the proposal. The Board discussed with Mr. Dittami the cost of alternatives to the proposal, which is the least expensive. The Board suggested keeping the upper sign only. Mr. Norton stated that the upper sign is the most important, then cost. Jeton explained that if the variances were to be denied, then the applicant is prohibited from seeking relief from the same sections of the bylaw for two year. Norton stated that he's inclined to continue the hearing to work on alternatives. Jeton suggested working with DRB & then returning to the Board. Jeton asked the Board to view the sign by the next hearing & to continue the hearing until the October meeting. Baime made a motion to continue the hearing to the October meeting. Ranalli seconded the motion & the Board voted (5-0) to continue to the October meeting.

Petition No: 3077

Petitioner: Wild Rose Estates / USA Realty Trust

Premises Affected: 247 Lowell St

Present were: Jeton, Baime, Batchelder, Ranalli, Brown

Joseph Zagarella, representing USA Realty Trust, submitted a memo to the Board requesting authorization to change the monitoring agent for the 40B project. The reason for the change is that CHAPA is no longer accepting clients. Batchelder made a motion to change the original decision to name CHI as the monitoring agent for the project subject to review by Town Counsel. Baime seconded the motion & the Board voted (5-0) to allow the change. The Administrative Secretary will draft a memo/action.

Petition No: 3744

Petitioner: Northfield Commons

Premises Affected: 69 North Street, 5 + 7 Webster Street

Present were: Jeton, Batchelder, Ranalli, Brown

There was a request for the Board to authorize Chair Stephen Anderson to endorse the ANR plan & to approve the Mass Housing documents as submitted by the applicant. The Board voted (4-0) (Baime recused) to authorize Chair Anderson to endorse the ANR plan & to approve the Mass Housing documents.

The meeting adjourned at 8:30 p.m.